IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.152 OF 2006

Manish C.Lakhani .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.Tanvi Shaikh i/b Hitesh Dahhi for the petitioner.
Ms.P.M.Sharma for respondent no.2.
Mr.A.S.Shitole A.P.P. for the State.

CORAM : D.B.BHOSALE, J.
DATED : 18TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent no.2 and learned A.P.P. for the State.

2. The petitioner-accused and respondent no.2 - complainant are present in the court. The learned counsel appearing for them have tendered miscellaneous application in the present writ petition under section 147 of the Negotiable Instruments Act, 1981 seeking permission to compound the offence. The application is taken on record and marked "X" for identification. The writ petition is directed against the judgment and order dated 9.1.2006 rendered by Additional Sessions Judge, Sewree, Mumbai in Criminal Appeal No.63 of 2005 by which the judgment and order dated 9.5.2005 passed by the Metropolitan Magistrate, 28th Court, Mazgaon, Mumbai stood confirmed. By that order the Metropolitan Magistrate had convicted the petitioner

under section 138 of the Act and sentenced him to undergo R.I. for six months and to pay fine of Rs.2,00,000/- and in default to undergo S.I. for three months. The Magistrate has also ordered to pay Rs.1,90,000/- out of the fine, if recovered, to the complainant.

3. It appears from the averments in the Miscellaneous Application filed under section 147 of the Act the complainant and accused have amicably settled all the disputes as stated therein. The complainant is present in the Court and he states that he has also received the amount mentioned in the application. In the circumstances the application filed under section 147 of the Act in writ petition No.152 of 2006 is allowed in terms of the following prayer clauses (a), (b) and (c):

> (a) Permission be granted to compound the offence in the above matter and
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> (b) The impugned judgment and order dated 9.5.2005 passed by the Ld.Metropolitan Magistrate's 20th Court at Mazgaon, Mumbai in case No.1631/S/2000 be quashed and set aside and the appellant be acquitted;
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> (c) The amount of fine Rs.2,00,000 (Rupees Two Lakhs only) and cash bail of Rs.10,000/- (Ten thousand only) deposited by the appellant in the trial Court be ordered to refund him."

4. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)